

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

ERNESTINE MURDOCK and	)	
CLAYTON THOMASON,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:23cv341-MHT
	)	(WO)
TRAVELERS PERSONAL	)	
INSURANCE COMPANY,	)	
et al.,	)	
	)	
Defendants.	)	

OPINION

Plaintiffs Ernestine Murdock and Clayton Thomason filed this lawsuit in state court asserting a federal claim for a racially discriminatory appraisal under the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*, and state-law claims for breach of contract, breach of fiduciary duty and bad faith, and noncompliance with Alabama's Insurance Trade Practices Act. Plaintiffs named as defendants Travelers Insurance Company, the proper name of which is Travelers Personal Insurance Company, see Notice of Removal (Doc. 1) at 1, which

issued an insurance policy to Murdock; Geico Insurance Company, which is alleged to be the underwriter of the policy; and Larry Masters, an insurance umpire or adjuster. Defendant Travelers removed the case to this court asserting subject-matter jurisdiction over the federal claim under 28 U.S.C. § 1331 and supplemental jurisdiction over the state-law claims pursuant to 28 U.S.C. § 1367.

This case is before the court on defendant Geico Insurance Company's motion to dismiss all claims against it for failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiffs were given an opportunity to respond to the motion and declined to do so. The court has reviewed the motion and the complaint, and finds that the motion should be granted, as the complaint fails to state a plausible claim against defendant Geico. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The complaint is devoid of any

factual allegations against Geico showing that plaintiffs are entitled to relief.

An appropriate judgment will be entered.

DONE, this the 8th day of September, 2023.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE